IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 21490 of 2004(G)

PETITIONER:

SIDHARTHAN, AGED 49 YEARS,
S/O. CHATHA, KOOTTOOLI HOUSE,
P.O. PUDUKKAD, AMBALLUR, THRISSUR.

BY ADV. SRI.RENJITH THAMPAN

RESPONDENTS:

----

1. THE DISTRICT COLLECTOR, PALAKKAD.

2. REVENUE DIVISIONAL OFFICER, PALAKKAD.

3. SUB INSPECTOR OF POLICE,
VADAKKANCHERY, THRISSUR.

BY GOVERNMENT PLEADER SRI. K.V. MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.21490/2004 G

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PERMIT ISSUED BY THE GEOLOGICAL DEPARTMENT.

EXT.P2: COPY OF THE PROCEEDINGS LRG3.24007/04 DTD. 6/07/04.

/TRUE COPY/

P.A.TO JUDGE

KSS

KURIAN JOSEPH J.

W.P.(C) No.21490 of 2004

Dated 20th July, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P2 order passed by the first respondent whereby a fine to the tune of Rs.25,000/- was imposed on the petitioner as the owner of the vehicle, KL-9D 2916 for the alleged illicit transportation of sand. According to the petitioner, his vehicle is not involved in the case. It is also submitted that the petitioner was not given an opportunity for hearing.

2. After having heard learned counsel for the petitioner and the learned Government Pleader, I am of the view that an opportunity should be given to the petitioner for substantiating his case before the District Collector. I set aside Ext.P2. There will be a direction to the first respondent to consider the matter afresh after affording an opportunity for hearing to the petitioner. This shall be done within a period of four months from the date of production of a copy of the judgment. The fate of the bank guarantee executed by the petitioner will depend on the order thus passed by the District

Collector.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 20th July, 2007.